

108TH CONGRESS
1ST SESSION

S. 316

To amend part A of title IV of the Social Security Act to include efforts to address barriers to employment as a work activity under the temporary assistance to needy families program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 5, 2003

Mr. CORZINE (for himself and Mr. KENNEDY) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend part A of title IV of the Social Security Act to include efforts to address barriers to employment as a work activity under the temporary assistance to needy families program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Chance to Succeed Act
5 of 2003”.

1 **SEC. 2. INCLUSION OF EFFORTS TO ADDRESS BARRIERS TO**
 2 **EMPLOYMENT AS A WORK ACTIVITY UNDER**
 3 **TANF.**

4 Section 407 of the Social Security Act (42 U.S.C.
 5 607) is amended—

6 (1) in subparagraphs (A) and (B) of subsection
 7 (c), by striking “or (12)” each place it appears and
 8 inserting “(12), or (13)”;

9 (2) in subsection (d)—

10 (A) in paragraph (11), by striking “and”
 11 at the end;

12 (B) in paragraph (12), by striking the pe-
 13 riod and inserting “; and”; and

14 (C) by adding at the end the following:

15 “(13) subject to subsection (j), 6 months of sat-
 16 isfactory participation (as determined by the State)
 17 in services to address barriers that are designed to
 18 improve future employment opportunities, including
 19 substance abuse treatment, occupational therapy,
 20 and physical rehabilitation, mental health, and men-
 21 tal retardation and developmental disabilities serv-
 22 ices.”; and

23 (3) by adding at the end the following:

24 “(j) STATE OPTION TO EXTEND PERIOD FOR PAR-
 25 TICIPATION IN SERVICES TO ADDRESS BARRIERS.—

1 “(1) IN GENERAL.—With respect to an indi-
 2 vidual, a State may extend the 6-month period re-
 3 ferred to in subsection (d)(13) for an additional pe-
 4 riod determined by the State so long as the State
 5 periodically reassesses the appropriateness of the ac-
 6 tivities referred to in such subsection for the indi-
 7 vidual.

8 “(2) RULE OF CONSTRUCTION.—Nothing in
 9 paragraph (1) or subsection (d)(13) shall be con-
 10 strued to limit the amount of time an individual may
 11 require, or a State may provide, services to address
 12 barriers that are designed to improve future employ-
 13 ment opportunities.”.

14 **SEC. 3. CREATION OF A SCREENING, ASSESSMENT, AND**
 15 **SERVICES PROCESS TO ADDRESS BARRIERS**
 16 **TO EMPLOYMENT.**

17 (a) ASSESSMENTS.—Section 408(b) of the Social Se-
 18 curity Act (42 U.S.C. 608(b)) is amended—

19 (1) by striking paragraph (1) and inserting the
 20 following:

21 “(1) ASSESSMENT PROVIDED FOR EACH INDIV-
 22 VIDUAL WHO RECEIVES ASSISTANCE.—

23 “(A) IN GENERAL.—The State agency re-
 24 sponsible for administering the State program
 25 funded under this part shall make an initial as-

1 sessment of each adult individual who receives
2 assistance under the program (and, in the case
3 of a State program that requires an individual
4 who is a caretaker for an individual who re-
5 ceives such assistance to engage in work, an ini-
6 tial assessment of the caretaker individual) to
7 determine whether the individual has any bar-
8 riers to employment or program compliance.

9 “(B) 2-PART PROCESS.—The assessment
10 under subparagraph (A) shall consist of the fol-
11 lowing 2 parts:

12 “(i) INITIAL SCREENING.—

13 “(I) IN GENERAL.—An initial
14 screening which shall evaluate an indi-
15 vidual’s employability, educational ca-
16 pacity, and other related cir-
17 cumstances, such as the child support
18 status, housing needs, and transpor-
19 tation needs of the individual and the
20 individual’s family.

21 “(II) REQUIRED FACTORS TO BE
22 ASSESSED.—A trained caseworker
23 shall screen the individual for condi-
24 tions such as physical or mental im-
25 pairments, substance abuse, domestic

1 or sexual violence, learning disabil-
2 ities, limited English proficiency, lim-
3 ited literacy in a primary language,
4 and need to care for a child with a
5 disability or health condition which
6 may interfere with work or other pro-
7 gram requirements.

8 “(III) OPTIONAL ASSESSMENT
9 OF CHILD CARE NEEDS.—At the op-
10 tion of the individual, the State shall,
11 before assigning the individual to a
12 work activity under the State program
13 funded under this part, perform an
14 assessment of the individual’s child
15 care needs, and guarantee safe, appro-
16 priate, affordable quality child care to
17 any such individual who needs child
18 care.

19 “(IV) OPTIONAL ASSESSMENT OF
20 JOB PREPARATION.—At the option of
21 the individual, the State shall, before
22 assigning the individual to a work ac-
23 tivity under the State program funded
24 under this part, perform an individual
25 assessment for the preparation that is

1 needed for the individual to obtain
2 and maintain a job at a monthly wage
3 that is at least 200 percent of the
4 poverty line applicable to the family of
5 the individual.

6 “(ii) COMPREHENSIVE ASSESS-
7 MENT.—If an initial screening under
8 clause (i) suggests the existence of poten-
9 tial barriers to work or program compli-
10 ance, the individual may elect to partici-
11 pate in a comprehensive assessment con-
12 ducted by a qualified professional to con-
13 firm the existence of the barriers, deter-
14 mine the extent of the barriers, and de-
15 velop recommendations about appropriate
16 services and activities for the individual.

17 “(C) FAMILY MEMBERS.—At the discretion
18 of an individual who receives assistance under
19 the State program funded under this part, a
20 member of the individual’s family also may be
21 afforded an assessment in accordance with this
22 paragraph.

23 “(D) NOT CONSIDERED A PROGRAM RE-
24 QUIREMENT.—Participation by an individual or
25 by a member of the individual’s family in an as-

1 sessment under this paragraph shall not be con-
 2 sidered a program requirement for the indi-
 3 vidual or the individual's family.

4 “(E) INCLUSION OF CASEWORKERS.—

5 Nothing in subparagraph (B)(ii) shall be con-
 6 strued as prohibiting a caseworker from being
 7 a qualified professional for purposes of that
 8 subparagraph if the caseworker satisfies the re-
 9 quirements for being considered a qualified pro-
 10 fessional.”; and

11 (2) by striking paragraph (4).

12 (b) REVIEW AND CONCILIATION PROCESS.—Section

13 408(a) of the Social Security Act (42 U.S.C. 608(a)) is
 14 amended by adding at the end the following:

15 “(12) REVIEW AND CONCILIATION PROCESS.—

16 “(A) IN GENERAL.—A State to which a
 17 grant is made under section 403 shall not im-
 18 pose a sanction against an individual or family
 19 under the State program funded under this
 20 part on the basis of noncompliance by an indi-
 21 vidual or family with a program requirement,
 22 unless the State satisfies the following require-
 23 ments:

24 “(i) NOTICE.—The State has at-
 25 tempted, at least twice (using at least 2

different communication methods, 1 of
 which shall be in writing) to notify the in-
 dividual or family, in the individual's or
 family's native language, of—

“(I) the impending imposition of
 the sanction;

“(II) the reason for the proposed
 sanction;

“(III) the amount of the sanc-
 tion;

“(IV) the length of time during
 which the proposed sanction would be
 in effect; and

“(V) the steps required to come
 into compliance or to show good cause
 for noncompliance.

“(ii) REVIEW.—The State has af-
 forded the individual or family an oppor-
 tunity to meet with personnel outside the
 agency that administers the State program
 funded under this part who the State has
 contracted with to make a determination
 regarding why the individual or family did
 not comply with the program requirement,

1 that is to be the basis on which the sanc-
2 tion is to be imposed, and that includes—

3 “(I) consideration of whether cer-
4 tain barriers to compliance exist that
5 contributed to the noncompliance of
6 the individual or family, such as a
7 physical or mental impairment, in-
8 cluding a mental health or substance
9 abuse disorder or mental retardation,
10 a learning disability, domestic or sex-
11 ual violence, limited proficiency in
12 English, limited literacy, or the need
13 to care for a child with a disability or
14 health condition;

15 “(II) consideration of whether
16 the individual or family has good
17 cause for failing to meet program re-
18 quirements;

19 “(III) consideration of whether
20 an additional assessment would assist
21 in identifying reasons for noncompli-
22 ance;

23 “(IV) consideration of whether
24 support services or changes to the
25 program requirements or activities to

1 which the individual or family has
2 been assigned are necessary in order
3 for the individual or family to comply
4 with program requirements; and

5 “(V) ensuring that the State’s
6 sanction policies have been applied
7 properly.

8 “(B) SANCTION LIMITATIONS.—

9 “(i) BAN ON IMPOSITION OF SANC-
10 TION IF NEEDED SCREENING, ASSESS-
11 MENT, OR SERVICES WERE UNAVAIL-
12 ABLE.—A State may not impose a sanction
13 against an individual or family under the
14 State program funded under this part on
15 the basis of noncompliance by an indi-
16 vidual or family with a program require-
17 ment if the individual whose conduct is the
18 basis of the sanction is in the process of
19 being screened or assessed for a mental
20 health problem, disability, substance abuse
21 problem, or sexual or domestic violence sit-
22 uation but the screening or assessment has
23 not been completed, or if services outlined
24 in the service plan developed for the indi-
25 vidual or family were not offered, available,

1 and accessible to the individual or family
2 at the time of the noncompliance.

3 “(ii) NO BAN ON SANCTION IF INDIVIDUAL OR FAMILY FAILS TO TAKE ADVANTAGE OF ASSESSMENT OR SERVICES AND DOES NOT COMPLY WITH WORK REQUIREMENTS.—Nothing in this paragraph shall
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6
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8 be construed as prohibiting a State that
9 has complied with the requirements of this
10 paragraph and section 408(b)(1) from imposing a sanction for noncompliance with
11 work requirements against an individual or
12 family who opts to not take full advantage
13 of the opportunity for assessment or the
14 services and supports made available to ensure that the individual or family can comply with program requirements if such an
15
16
17 individual or family is not complying with
18 the State’s work requirements.

19
20 “(C) SANCTION FOLLOW-UP REQUIREMENTS.—
21

22 “(i) IN GENERAL.—If a State imposes
23 a sanction on an individual or family for
24 failing to comply with program requirements, the State shall—
25

1 “(I) provide, at the time the
2 sanction is imposed and periodically
3 thereafter for at least 6 months, no-
4 tice (in at least 2 different forms) to
5 the individual or family of the reason
6 for the sanction and the steps the in-
7 dividual or family must take to end
8 the sanction;

9 “(II) reinstate the individual’s or
10 family’s full benefits if the individual
11 or family member who failed to meet
12 the program requirements that led to
13 the sanction complies with program
14 requirements for a reasonable period
15 of time and the individual or family is
16 otherwise eligible; and

17 “(III) if the sanction is time-lim-
18 ited, notify the individual or family at
19 least 10 days before the expiration of
20 the sanction of the date when the in-
21 dividual or family will no longer be in
22 sanction status and inform the indi-
23 vidual or family how assistance will be
24 reinstated.

1 “(ii) OUTREACH TO INDIVIDUALS AND
2 FAMILIES SANCTIONED WHO HAVE NOT
3 RESUMED RECEIVING CASH ASSISTANCE.—

4 If, during the 5-year period that ended on
5 the date of enactment of the Chance to
6 Succeed Act of 2003, a State imposed a
7 sanction against an individual or family
8 that resulted in the individual or family
9 losing all cash assistance under the State
10 program funded under this part, and the
11 individual or family did not resume receiv-
12 ing cash assistance at the end of the sanc-
13 tion period, the State shall make reason-
14 able efforts to identify such individuals and
15 families and notify them, using at least 2
16 methods of communication, 1 of which is
17 written, of the assistance, services, and
18 support they may be eligible to receive.

19 “(D) CONFIDENTIALITY.—The State, and
20 any individuals or entities acting as agents of
21 the State, shall not disclose any identifying in-
22 formation obtained through any process or pro-
23 cedure instituted pursuant to this paragraph
24 unless required or permitted to do so by law.

1 “(E) DEVELOPMENT OF STANDARDS, PRO-
 2 CEDURES, TRAINING, AND SCREENING TOOLS.—
 3 States and local governments shall, in consulta-
 4 tion with Federal, State, tribal, or local experts
 5 in the different barriers to employment, develop
 6 standards, procedures, training, and screening
 7 tools for use in carrying out this paragraph.”.

8 (c) PLAN REQUIREMENTS FOR INDIVIDUAL RESPON-
 9 SIBILITY PLANS.—Section 408(b)(2)(A) of the Social Se-
 10 curity Act (42 U.S.C. 608(b)(2)(A)) is amended to read
 11 as follows:

12 “(A) REQUIREMENTS.—

13 “(i) IN GENERAL.—From the assess-
 14 ment described in paragraph (1), the
 15 State, in consultation with the individual
 16 who is the subject of the assessment, shall
 17 develop a personal responsibility plan,
 18 that—

19 “(I) sets forth an employment
 20 goal to move the individual into stable
 21 employment;

22 “(II) sets forth the obligations of
 23 the individual that will help the indi-
 24 vidual become and remain employed
 25 in the private sector;

1 “(III) describes the individual’s
2 long-term career goals and the specific
3 work experience, education, or train-
4 ing needed to reach them; and

5 “(IV) identifies the services the
6 State will offer the individual’s family
7 based upon the assessment and eval-
8 uation described in this section.

9 “(ii) MODIFICATION.—If the State is
10 unable to provide needed services to the in-
11 dividual or the individual’s family, the
12 State shall modify the personal responsi-
13 bility plan to be consistent with the needs
14 of the individual, the family, and the ca-
15 pacity of the State.”.

16 (d) TECHNICAL ASSISTANCE.—The Secretary shall
17 coordinate with Federal, State, and tribal experts and
18 qualified professionals to determine, develop, and dissemi-
19 nate to States, and provide technical assistance with re-
20 spect to, model practices, standards, and procedures for
21 screening, assessment, addressing barriers, including mul-
22 tiple barriers, in a comprehensive manner, and moving in-
23 dividuals and families with barriers into employment, as
24 well as model training materials for caseworkers.

1 (e) STATE PLAN REQUIREMENT.—Section
 2 402(a)(1)(A) of the Social Security Act (42 U.S.C.
 3 602(a)(1)(A)) is amended by adding at the end the fol-
 4 lowing:

5 “(vii) Identify and serve individuals
 6 and families with barriers to employment
 7 as described in section 408(b)(1).”.

8 (f) COORDINATING EXEMPTIONS FROM WORK RE-
 9 QUIREMENTS.—Section 408(a)(7)(C) of the Social Secu-
 10 rity Act (42 U.S.C. 608(a)(7)(C)) is amended by adding
 11 at the end the following:

12 “(iv) FAMILIES EXEMPTED FROM
 13 WORK REQUIREMENTS BY REASON OF BAR-
 14 RIER TO WORK BY FAMILY MEMBER.—The
 15 State shall exempt a family from the appli-
 16 cation of subparagraph (A) of this para-
 17 graph if the State permits a member of the
 18 family (or, in the case of a State that re-
 19 quires a caretaker for an individual who
 20 receives assistance to engage in work, a
 21 caretaker) to engage in activities to ad-
 22 dress barriers, pursuant to section
 23 407(d)(13), so long as the State deter-
 24 mines that the individual is satisfactorily
 25 participating in such activities.”.

1 (g) ADVISORY PANEL TO IMPROVE STATE POLICIES
2 AND PROCEDURES FOR ASSISTING INDIVIDUALS AND
3 FAMILIES WITH BARRIERS TO WORK.—

4 (1) MEMBERSHIP; CHAIR.—

5 (A) MEMBERSHIP.—Each State that re-
6 ceives a State family assistance grant under
7 section 403(a)(1) of the Social Security Act (42
8 U.S.C. 603(a)(1)) shall establish an advisory
9 panel consisting of representatives of the fol-
10 lowing:

11 (i) The State agency responsible for
12 administering the temporary assistance to
13 needy families program established under
14 part A of title IV of the Social Security
15 Act (42 U.S.C. 601 et seq.) (in this sub-
16 section referred to as the “TANF pro-
17 gram”).

18 (ii) Professionals from other State
19 agencies with expertise in barriers that
20 interfere with an individual’s or family’s
21 ability to work, such as physical or mental
22 impairments, substance abuse, domestic or
23 sexual violence, learning disabilities, lim-
24 ited English proficiency, limited literacy in
25 a primary language, and need to care for

1 a child with a disability or health condi-
 2 tion.

3 (iii) Organizations representing indi-
 4 viduals and families with such barriers.

5 (iv) Professionals with expertise in de-
 6 signing and implementing policies and pro-
 7 grams to successfully serve individuals and
 8 families with such barriers.

9 (v) Individuals and families with such
 10 barriers who are recipients of cash assist-
 11 ance or support services under the TANF
 12 program.

13 (B) CHAIR.—The chief executive officer of
 14 the State shall appoint an individual who is not
 15 a State employee to serve as chair of the advi-
 16 sory panel.

17 (2) DUTIES.—

18 (A) IN GENERAL.—The advisory panel
 19 shall review the efficacy of each program de-
 20 scribed in subparagraph (B) to determine—

21 (i) the amount of funds spent on serv-
 22 ices under the program;

23 (ii) the referral process for participa-
 24 tion in the program, including whether in-

dividuals and families received referrals and services;

(iii) the effect services provided under the program had on an individual's and family's economic status; and

(iv) ways in which the State can improve the effectiveness of its policies and procedures to serve individuals and families with barriers to work or program compliance.

(B) PROGRAMS DESCRIBED.—For purposes of subparagraph (A), a program described in this subparagraph, is a program that—

(i) is funded under the TANF program;

(ii) receives funding from amounts made available under the State family assistance grant made under section 403(a)(1) of the Social Security Act (42 U.S.C. 603(a)(1)); or

(iii) is funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i) of such Act (42 U.S.C. 609(a)(7)(B)(i))).

1 (C) DEVELOPMENT OF MECHANISM FOR
2 REVIEW AND REPORTS BY LOCAL UNITS OF
3 GOVERNMENT.—In the case of a State in which
4 significant policy or spending decisions are
5 made in the State with respect to a program
6 described in subparagraph (B) at the county or
7 other local unit of government, then the advi-
8 sory panel shall develop a mechanism that re-
9 quires each county or other local unit of govern-
10 ment to—

11 (i) review its policies and procedures
12 with respect to that program and file a
13 written report with the advisory panel re-
14 garding how the policies and procedures
15 for the program are designed to assist in-
16 dividuals and families with barriers to
17 work; and

18 (ii) respond to any other requests for
19 information from the advisory panel re-
20 garding the TANF program.

21 (D) ADDITIONAL AUTHORITY.—In order to
22 carry out the duties described in this para-
23 graph, the advisory panel may hold such meet-
24 ings (in addition to the regular meetings re-
25 quired under paragraph (3)(C)) and such public

1 hearings, hire such staff, enter into the contract
 2 required under paragraph (4)(B), and travel to
 3 such locations of programs described in sub-
 4 paragraph (B), as the panel determines to be
 5 appropriate.

6 (3) DURATION; MEETINGS.—

7 (A) DURATION.—An advisory panel estab-
 8 lished in accordance with this subsection shall
 9 remain in effect for at least 3 years from the
 10 date of the initial meeting of the panel.

11 (B) DEADLINE FOR INITIAL MEETING.—

12 Not later than the end of the first Federal fis-
 13 cal year quarter that begins on or after the date
 14 of enactment of this Act, the advisory panel
 15 shall meet for its initial meeting.

16 (C) REGULAR MEETINGS.—The advisory

17 panel shall meet on a regular basis.

18 (4) REPORTS.—

19 (A) IN GENERAL.—Each advisory panel es-
 20 tablished in accordance with this subsection
 21 shall file the following reports with the Sec-
 22 retary of Health and Human Services:

23 (i) Not later than 12 months after the
 24 initial meeting of the advisory panel, an in-
 25 terim report identifying areas where im-

1 provement is needed with respect to State
2 policies and procedures to serve individuals
3 with barriers to work and the steps the
4 State is taking or plans to take to make
5 those improvements.

6 (ii) Not later than 24 months after
7 such initial meeting, a progress report on
8 how the improvements identified in the re-
9 port required under clause (i) are being
10 made, whether additional improvements
11 are needed, including plans to make those
12 improvements, and that includes the report
13 of the independent evaluation entity re-
14 quired under subparagraph (B).

15 (iii) Not later than 36 months after
16 such initial meeting, a final report that de-
17 scribes how the programs described in sub-
18 paragraph (B) have been improved to as-
19 sist individuals and families with barriers
20 to work and identifies ongoing work that
21 will be needed to maintain the improve-
22 ments made.

23 (B) REQUIREMENTS FOR PROGRESS RE-
24 PORT.—In preparation for the progress report
25 required under subparagraph (A)(ii), the advi-

sory panel shall hire an independent evaluation entity to assess the State's progress in meeting the goals set forth by the advisory panel. In States described in paragraph (2)(C), the independent evaluation entity shall also assess the progress being made at the county level or appropriate other unit of local government.

(C) REPORTS TO CONGRESS.—The Secretary of Health and Human Services shall compile the reports submitted under subparagraph (A) and shall submit such compilations to Congress as part of any annual report to Congress on the TANF program.

(5) PUBLIC ACCESS.—

(A) IN GENERAL.—All materials collected by or provided to the advisory panel and all reports submitted by the advisory panel to the State or the Secretary of Health and Human Services shall be publicly available.

(B) OPPORTUNITY FOR PUBLIC COMMENT.—The advisory panel shall create opportunities to secure public comments on a draft of each report to be submitted to the State or the Secretary of Health and Human Services and

1 shall submit a summary of such comments with
2 the final draft of the report.

3 (6) FUNDING.—Out of funds made available to
4 carry out this subsection, the Secretary of Health
5 and Human Services shall pay each State that es-
6 tablishes an advisory panel in accordance with this
7 subsection, \$1,500,000, for the period of fiscal years
8 2004 through 2006.

9 (7) RULE OF CONSTRUCTION.—Nothing in this
10 paragraph shall be construed as authorizing an advi-
11 sory review panel established under this paragraph
12 to resolve complaints filed by individuals or entities
13 related to possible violations of laws protecting civil
14 rights.

15 (8) AUTHORIZATION OF APPROPRIATIONS.—
16 There is authorized to be appropriated to the Sec-
17 retary of Health and Human Services to carry out
18 this subsection, such sums as are necessary for each
19 of fiscal years 2004 through 2007.

○